

REMARKS

This application has been amended so as to place it in condition for allowance at the time of the next Official Action.

The Official Action rejects claims 1-9, 17, 18 and 26-28 under 35 USC §103(a) as being unpatentable over CHANG DE 200 05 546 in view of KURODA et al. JP 10-069893. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The CHANG reference was already of record in this application, having been applied in the immediately preceding Official Action. The Official Action offers the primary CHANG reference for the majority of the features recited in the rejected claims.

The newly applied and secondary KURODA et al. reference is offered for disclosing a battery pack in which the terminal extends through the housing in a manner which provides a waterproof seal around the terminal opening.

Of the rejected claims, claims 1, 26 and 28 are independent. Applicants have canceled claims 26-28, so claim 1 is the sole remaining independent claim among those rejected. Applicants have amended claim 1 to recite additional features of the present invention, and canceled claim 3.

Specifically, amended claim 1 recites that the battery case includes an elastic member, and it is in such elastic member that the first and second through holes are formed. Moreover,

claim 1 now recites that an interior surface of each of the through holes in the elastic member makes contact with only a respective one of the contact segments. Each of the recited characteristics is contained within the embodiment illustrated in present Figures 4-7.

In such embodiment, contact segments 52 and 53 make electrical contact with the respective electrodes of the battery 50. The contact segments include elements 52b and 53b, respectively, extending away from the remainder of the contact segment and passing through the elastic member 55. As described beginning on page 14, line 24, the terminal pins 52b and 53b are each thrust through a respective portion of the elastic member 55. As further noted on page 15, beginning on line 26, the structure is such that there are no pre-existing holes created in the elastic member prior to perforation by the pins 52b and 53b.

As a result, the nature of the composition of the elastic member, taken together with the way in which the pins 52b and 53b are thrust through the elastic member, as well as the resulting waterproof seal, serve to define the device. Specifically, the construction is one in which the interior surface of each of the through holes necessarily makes contact with only the contact segment that passes therethrough.

These features are clearly undisclosed by either of the applied references. The primary CHANG reference concerns itself with an adaptive structure that allows a given size of battery to

substitute for a larger size by providing a shell for the battery. Nowhere is there any disclosure of elements that meet the recited first and second through holes in an elastic member or a relationship between the through holes and the contact segments as now recited in claim 1.

The newly applied KURODA et al. reference addresses a waterproof battery pack. The details of the arrangement of the electrode terminals 4 with respect to the outer case are best illustrated by Figures 1-3. The structure of the KURODA et al. device achieves the waterproof seal around the externally available electrical contacts by the use of a gasket 7 described as a rubber sponge.

However, there exists a single gasket 7 for each pair of contacts 4. Additionally, the gasket 7 surrounds and makes contact with not only the contact 4, but also the electrode projection 3. Accordingly, like the primary CHANG reference, the KURODA et al. patent fails to disclose first and second through holes in an elastic member through which first and second contact segments pass through in a watertight manner, such that an interior surface of each of the through holes in the elastic member makes contact with only a respective one of the contact segments.

As the two applied references, considered either individually or in combination, fail to suggest the full set of features now recited in independent claim 1, applicants

respectfully suggest that the combination fails to render obvious the invention of such claim or any of the claims that depend therefrom.

The Official Action applies against each of the remaining rejected claims the CHANG and KURODA et al. combination, with the addition of one or more further references. Specifically, the Official Action rejects: claims 12 and 14 under 35 USC §103(a) further in view of MONTELEONE et al. 5,904,414 or PARKER 5,404,281; claims 12 and 13 further in view of KUNG 4,788,112; claims 12 and 15 further in view of BOOE 4,081,397; and claim 16 further in view of LIAN et al. 6,106,969. In each of these rejections, the Official Action identifies those additional features of the rejected claims identified as disclosed in the additional references.

However, regardless of the ability of the further references to disclose that for which they are offered, each fails to overcome the shortcomings of the CHANG and KURODA et al. combination to disclose the features implicitly recited in each of the additionally rejected dependent claims. Accordingly, reconsideration and withdrawal of such rejections are respectfully requested.

The Official Action states that claims 10, 11 and 19-25 are allowable but for their dependence from rejected base claims. The Official Action also states that claims 29 and 30 are allowed.

In light of these statements of allowability and allowance, taken together with the amendments to independent claim 1 and the arguments offered in support thereof, applicants suggest that the present application is in condition for allowance, and an early indication of the same is respectfully requested.

If the Examiner has any questions or requires further clarification of any of the above points, the Examiner may contact the undersigned attorney so that this application may continue to be expeditiously advanced.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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